

NCIC ACTIVITY LOG

(Instructions - Reverse Side)

Universal Case File No. 89A-CE-94597

Validation: (Date/Initials)

1	5	9
2	6	10
3	7	11
4	8	12

Top Serial - Not To Be Serialized

Instructions

1. Entry - NCIC

- a. Supervisor stamp serial containing entry information, check entry, initial and route to NCIC operator.
- b. NCIC operator make local and/or NCIC checks including III for additional information, make entry, route serial and printout to rotor clerk.
(NCIC operator may stamp jacket, insert NCIC Activity Log as top serial in file and complete "entry" line.)
- c. Rotor clerk serialize printout, stamp jacket, insert NCIC Activity Log as top serial in file and complete "entry" line if not already accomplished by NCIC operator. Note: NCIC Activity Log is to be maintained as the top serial in the current volume of case file.

2. Modify - NCIC

- a. Supervisor stamp serial containing modify information, check modify, initial and route to NCIC operator.
- b. NCIC operator modify record, route serial and printout to rotor clerk. (NCIC operator may complete "modify" line on NCIC Activity Log.)
- c. Rotor clerk serialize printout and complete "modify" line on NCIC Activity Log, if not accomplished by NCIC operator.

3. Clear/Cancel - NCIC

- a. NCIC operator clears/cancels record upon notification by case agent or supervisor, routes, printouts to rotor clerk. (NCIC operator may complete "clear/cancel" line on NCIC Activity Log.)
- b. Rotor clerk serialized printout, completes "clear/cancel" line on NCIC Activity Log and makes slash marks (NCIC) through NCIC stamp of file jacket.

4. Validation - NCIC

- a. When validation printout is received from NCIC, an agent (or clerk if case is in closed status) will review the NCIC entry to insure that it is complete and accurate. Any discrepancy should be resolved by an appropriate agent and, if necessary, a modify message should be initiated to update and/or correct the record. When validation is completed, reviewer will date and initial NCIC Activity Log.

Retention Periods

Unless otherwise removed, records will be retained in file as follows:

Article File

Remainder of the year of entry plus one year.

Boat File

Remainder of the year of entry plus four years.

Records entered within BHN or OAN will remain in the file 90 days.

Deported Felon File

Remains on file until such time as INS Headquarters takes action to remove it.

Foreign Fugitives/Canadian Warrant File

Retained indefinitely until entering agency removes record from file.

Gun File

Retained indefinitely until entering agency removes record from file.

Recovered weapons are retained for the remainder of the year of entry plus two years.

Interstate Identification Index

Retained until the individual reaches the age of 99.

License Plate File

Retained in file for one year after the end of the plate's expiration year.

Nonexpiring license plates remain in file for the remainder of the year of entry plus four years.

Missing Person File

Retained indefinitely until action is taken by the entering agency to clear the record. This includes unemancipated juvenile records.

Protection Order File

Active records - Retained until canceled or cleared by entering agency or expiration. Temporary records will remain active for a maximum of one year from the date of entry.

Inactive records - Retained on-line for the remainder of the year in which cleared or expired plus five years.

Securities File

Retained for the remainder of the year of entry plus four years, except records for traveler's check and money orders. These records will be retained for the remainder of the year of entry plus two years.

U.S. Secret Service Protective File

Retained indefinitely until action is taken by the U.S. Secret Service to remove it.

Unidentified Person File

Retained indefinitely or until removed by entering agency.

Vehicle File

Retained for the remainder of the year of entry plus four years.

Records entered which do not contain VINs or OANs will remain in file for 90 days after entry.

Felony vehicles will remain in file for 90 days after entry.

Stolen parts (VIN plates, harrows, or boat motors) which contain an OAN or SER will remain in file for the year of entry plus four years.

Violent Gang and Terrorist Organization File

GMC records - Automatically purged 5 years from the date of entry or when an entering agency removes its entry, providing that agency is the sole agency of interest for the group/subgroup.

Only records entered by corrections agencies remain past five years.

GRC records - Single interest - indefinitely or until removed by entering agency.

Multiple Interests - indefinitely or until all agencies remove their records.

Wanted Person File

Retained until action is taken by the originating agency to clear/cancel the record.

Temporary felony want records will be automatically removed from file after 48 hours.

(X)
FILED
ASHEVILLE, N.C.
FEB 12 2009
U.S. DISTRICT COURT
W. DIST. OF N.C.

United States District Court

WESTERN

DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

JOHN JACKSON ADAMS
 46 Adams Estate Road
 Whittier, North Carolina 28789
 DOB: 04/20/1938

(Name and Address of Defendant)

CASE NUMBER: 2:09-mj-7

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 5, 2009 in Swain and Buncombe counties, in the Western District of North Carolina defendant(s) did, (Track Statutory Language of Offense) threaten to murder a United States Official with the intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties or to retaliate against such official on account of the performance of official duties

in violation of Title 18 United States Code, Section(s) 115.

I further state that I am a(n) Special Agent - Federal Bureau of Investigation and that this complaint is based on the following facts:

Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

Yes

No

Signature of Complainant



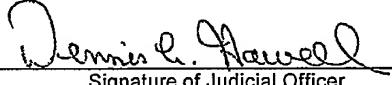
Special Agent
 Federal Bureau of Investigation

2/12/2009
 Date

at Asheville, North Carolina
 City and State

Dennis L. Howell
 United States Magistrate Judge
 Name & Title of Judicial Officer

Signature of Judicial Officer



89A-CE-94597-1

2021/mar
 Land

Western District of North Carolina

Asheville, North Carolina

This Affiant, Christopher M. Lando, Special Agent, Federal Bureau of Investigation, being duly sworn, states the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Asheville Resident Agency, Charlotte Division, in Asheville, North Carolina. This affiant has been employed as a Special Agent of the FBI since 2002. Prior to the FBI, I was employed as a police officer then sergeant with a northern Virginia police department for seven years.
2. I am presently investigating violations of Federal Laws, specifically, violations of Title 18 United States Code, Section 115, Influencing, impeding, or retaliating against a Federal official by threatening.
3. As a result of personal participation in the investigative matters referred to in this affidavit, and based upon reports made to me by other law enforcement officers, I am familiar with the facts and circumstances of this investigation. On the basis of that familiarity, I state the following:
4. At approximately 5:42 p.m. on February 5, 2009, an unknown male caller left a voice mail for Congressman Heath Shuler at his Asheville District Office, located in Asheville, North Carolina within the Western District of North Carolina. The message stated that "I voted for you. If you don't vote for that stimulus package, I'm gonna kill you. Simple as that." The call was received on the office's main telephone number of 828-252-1651. Approximately three minutes later, the same caller left a second voice mail indicating that he did not understand what was going on in Washington. He also stated his daughter had gone to school with the Congressman, and that he was a republican who voted for the Congressman. The voice mail was discovered on the morning of February 6, 2009, and the staff promptly notified the Capital Police as required by protocol.
5. Investigation into the telephone number utilized to communicate the death threat revealed that the calls had been received from 828-488-4512.
6. Once the caller's number was identified, the District Office stated that they had an open matter with a Jack Adams, of 46 Adams Estate Road, Whittier, North Carolina. Mr. Adams and his wife communicated with the Congressman's office to obtain assistance in dealing with the Veteran's Administration. Mrs. Adams stated she had been assaulted by Mr. Adams and that he was suffering from a mental illness. She wanted assistance in placing Mr. Adams in the psychiatric ward of the VA Hospital.
7. Public database checks also revealed that the number utilized to communicate the death threat returned to a John Jackson Adams of the same address, which is also located within

the Western District of North Carolina, in Swain County.

8. Agents contacted Adams at his residence on February 11, 2009. When asked if he knew why Agents were at his residence, he stated it was because he had called Shuler. When asked to explain what happened when he called, Adams advised "I said I was gonna kill him." He appeared to state this without emotion, as a matter of fact. He did not elaborate further so he was asked if he wanted to kill the Congressman. He stated "I didn't mean it." Again, after a long pause he stated without emotion "It was a joke." He then volunteered that he did not even have a gun.

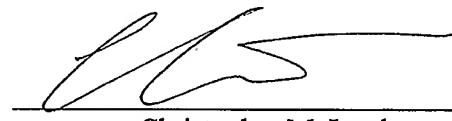
9. When asked about when he had made the call, Adams advised that it had been one evening last week, although he could not remember the date. He was watching CNN and saw something about the stimulus package and he stated he did not like what he saw. When asked how he had obtained the Congressman's telephone number, he produced a Rolodex and identified a card with "Congressman Heath Shuler" and the correct address and telephone number. He stated that he had called other times that evening, but he only left two messages. That is consistent with information obtained from investigation into the telephone records.

10. He stated that on his first message to Congressman Shuler he said "Heath, If you vote on this bill I'm gonna kill your ass." He described that on his second message he stated "This is Mr. Adams. You dated my daughter and went to school with her. Please don't vote on that bill." When asked he stated he had not threatened the Congressman on his second voice mail. When asked again why he would threaten to kill the Congressman, he stated that he was "just blowing off steam." When asked what he thought Congressman Shuler would think when the Congressman heard the voice mail, he stated he did not know what he would think. He then offered "I was trying to work the political scene." The Agent then asked him what he would think if someone left him a message saying they would kill him. He immediately stated he would be "upset." When asked if he would be scared and worried by it he stated "yeah."

11. Adams' wife Barbra Adams was interviewed and stated that in the last three months, there has been a drastic change in her husband's mental health. He has become violent and on one occasion he choked and beat her about the head. On a second occasion he discharged a shotgun in the air and then shoved it "in my butt." She indicated he has been charged for one of the assaults, and that she had also petitioned for an Emergency Custody Order to obtain mental health services for her husband, however he was subsequently released. For her safety, she had left for three weeks and had just returned on Friday, February 6, 2009. On that date she took him the VA Hospital to see a mental health doctor who prescribed a new medication. Adams told the doctor that he was hearing voices, and this was the first time his wife had heard that symptom. Mrs Adams stated that the medication seemed to help, but that he had refused to take it the night before (February 10, 2009) and she had noticed a significant decrease in his mental stability. Mrs Adams had given family members all of the firearms in the residence that she was aware of, but she could not be sure she had all of the weapons. She also showed the Agents a can of mace she keeps on her person and sleeps with under her pillow. She has had to utilize the mace to keep him from attacking her.

12. Investigation revealed that Adams' daughter did attend high school with Congressman Shuler.

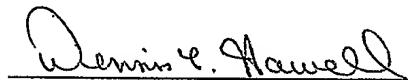
13. Based on the above information, the Affiant believes that, John Jackson Adams, born April 20, 1938, has committed a violation of Title 18, U. S. Code, Section 115.



Christopher M. Lando
Special Agent-FBI

Sworn to before me and subscribed in my presence,

February 12, 2009 at Asheville, North Carolina



Dennis L. Howell United States Magistrate Judge

1A Envelope

Case ID: 89A-CE-94597

! CE 1 ! ROLADEX OF CONGRESSMAN SHULER

! CE 2 ! FGJ RETURN FROM [REDACTED]

b3

! CE 3 ! FGJ RETURNS FROM [REDACTED]

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1A Envelope

Case ID: 89A-CE-94597

! CE 1 ! ROLADEX OF CONGRESSMAN SHULER

! CE 2 ! FGJ RETURN FROM [REDACTED]

! CE 3 ! FGJ RETURNS FROM [REDACTED]

! CE 4 [REDACTED] INTERVIEW NOTES, 02-11-09

b3
b6
b7C

File Number 89A-CF-94577 IAIField Office Acquiring Evidence CESerial # of Originating Document 26100Date From

(Name or Calling Name/Interviewee)

(Address) By SA Date To Be Returned Yes NoReceipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure

 Yes No

Federal Taxpayer Information (FTI)

 Yes NoTitle: Reference:

(Communication Enclosing Material)

Description: Original notes re interview ofIndex of Congressmen
Stuler *JDC/SML* b6
b7c

Congressman Heath Shuler
356 Biltmore Avenue
Suite 400
Asheville, NC 28739

b6
b7C

File Number 89A-CE-94597Field Office Acquiring Evidence CE 1A4

Serial # of Originating Document

Da [redacted] _____
Fr [redacted] _____

b6
b7C

(Address) _____

By SA [redacted]To Be Returned Yes NoReceipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure

 Yes No

Federal Taxpayer Information (FTI)

 Yes No

Title:

Reference: _____
(Communication Enclosing Material)

[redacted] J

Say will we ~~say~~ be
No about getting full
Say no well yes

2/11/09

April 20, 38

b6

b7C

what about?

Other health situation

Tell me about that

I said I was gonna kill her
so just to

I didn't hear it

It was a joke

but have again.

one day last week

Watson Curr

Saw something about

Stonelus

didn't like what
he saw

Questionable
format

50mg

for or med blf lot
for fit what

ACTH mls
ARICEPT
10mg

+ one unlabeled

Health book bought this

to keep off S.

Firesheets
new?

GRD same yrs
+ Greenhouse

had Cong phone + blouse

he had problems w/ VA

~~debtors~~ & called Cong
for help.

in Roster (been over)
cc # [new one]

Called 2 or 3 times

Left message 2x

~ 5 min apart.

Call Health if you vote a
No bill I'm going

call you later

Call This is me [redacted]
2 V dated my daughter
I went to school with her

b6
b7c

Please don't ask about
that bill

~~A:~~ I do threaten on 2nd call

NO

3rd call ~~same~~ NO message

Every time we make the line

Why say it
Don't know - just
blowing off steam

We are funs
Rhubarb
She hasn't seen you make five calls
to nephews

checked & best less black
& blue

Since no ^{up} gotten worse

Now = ~~bleeding~~

+ swollen since

3 week ago w/ sun

last two weeks w/ eczema

Can't take off since a
new med

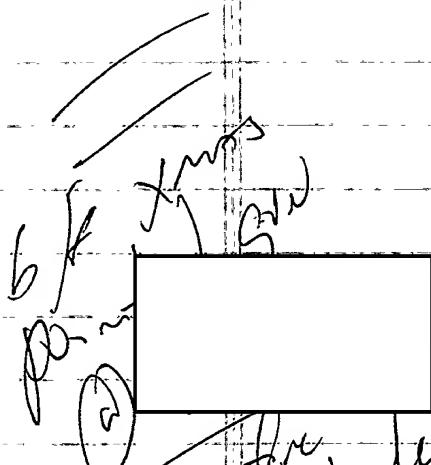
-9

what does want HS & that
other hand

Has no right @ all

I was trying to work the
pol. fast slow.

Last time seen H.S. before election



Find the outside
stop other

If I'll not message
her you feel

up at

O. Son is worried
yester

b6
b7c

FBI - Charlotte
Name Squad:

Suite 900, Wachovia Building
100 S. Tryon Street
Charlotte, NC 28285-0001

(70)

FD-340 (Rev. 4-11-03)

File Number 89A-CE 94597 IA2

Field Office Acquiring Evidence CE

Serial # of Originating Document

Date Received 2/10/09

From

[Redacted]
(ee)

(Address)

(City and State)

By SA

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

Yes No

Federal Taxpayer Information (FTI)

Yes No

Title:

Reference:

(Communication Enclosing Material)

Description: Original notes re interview of

FG's return from [Redacted]

Refile

FOR INTERNAL USE ONLY

- UNCLASSIFIED, NOT SENSITIVE
- SENSITIVE, BUT UNCLASSIFIED
- CONFIDENTIAL
- SECRET

b3
b6
b7C

FBI - Charlotte
Name/Squad:

Suite 900, Wachovia Building
100 S. Tryon Street
Charlotte, NC 28285-0001

7A
77-9700

FD-340 (Rev. 4-11-03)

1A3

File Number 89A-CE-94557

Field Office Acquiring Evidence CE

Serial # of Originating Document

Date Received 2/10/09

From VIA CGJ

(Name of Contributor)

(Address)

By SA

(City and State)

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

Yes No

Federal Taxpayer Information (FTI)

Yes No

Title:

Reference:

(Communication Enclosing Material)

Description: Original notes re interview of

CGJ RETURNS

b3
b6
b7C

FOR INTERNAL USE ONLY

- UNCLASSIFIED, NOT SENSITIVE
- SENSITIVE, BUT UNCLASSIFIED
- CONFIDENTIAL
- SECRET

United States District Court

WESTERN

DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

V.

JOHN JACKSON ADAMS

Date of Birth 04/20/1938
 46 Adams Estate Road
 Whittier, North Carolina 28789

WARRANT FOR ARREST

CASE NUMBER: 2:09mj7

To: The United States Marshal
 and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

JOHN JACKSON ADAMS

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment Information Complaint Order of court Violation Notice Probation Violation Petition

charging him or her with (brief description of offense) threatening to murder a United States Official with the intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties or to retaliate against such official on account of the performance of official duties

in violation of Title 18 United States Code, Section(s) 115Dennis L. Howell

Name of Issuing Officer

Signature of Issuing officer

United States Magistrate Judge

Title of Issuing Officer

Date and Location

Bail fixed at \$ _____ by _____
 Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

89A-CE-94597.2



 b6
 b7C

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O RI
NC 0110100

INCIDENT/INVESTIGATION REPORT

OCA 09-003743

Date / Time Reported		S	M	T	W	T	E	S
Month	Day	Yr	Time					
02		06	2009 10:46 Hrs.					
02		05	2009 17:45 Hrs.					

#1	Crime Incident(s) <i>Communicating Threat</i>	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	At Found Month Day Yr 02 06 2009	Time 09:00 Hrs.	Last Known Secure Month Day Yr 02 05 2009	Time 17:45 Hrs.
#2	Crime Incident	<input type="checkbox"/> Att <input type="checkbox"/> Com	Location of Incident 356 Biltmore Ave - STE 400, Asheville NC 28801		Offense Tract APD	
#3	Crime Incident	<input type="checkbox"/> Att <input type="checkbox"/> Com	Premise Type COMMERCIAL/OFFICE BUILDING	Victim Residence Type <input type="checkbox"/> Single Family <input type="checkbox"/> Multi Family		

MO	How Attacked or Committed	<input type="checkbox"/> Forcible <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapon / Tools <i>Not Applicable/none</i>
----	---------------------------	---	--

V I C T I M	# of Victims 1	Type <input checked="" type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown	Injury <input checked="" type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Broken Bones <input type="checkbox"/> Severe Lacerations <input type="checkbox"/> Internal <input type="checkbox"/> Unconscious <input type="checkbox"/> Other Major	Drug/Alcohol Use: <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
	V1	Victim/Business Name (Last, First, Middle) SHULER, HEATH	Victim of Crime # I,	DOB / Age W M UN

Employer Name/Address	Business Phone	Mobile Phone
-----------------------	----------------	--------------

VYR	Make	Model	Style	Color	Lic/Lis	Vin
-----	------	-------	-------	-------	---------	-----

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)						
Type: <input checked="" type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown						
Code	Name (Last, First, Middle)		Victim of Crime #	DOB / Age	56	Race Sex

OTHERS	RP				W	M
--------	----	--	--	--	---	---

IN VOLVED	Home Address		Home Phone	
-----------	--------------	--	------------	--

Congressman Heath Shuler	Business Phone	Mobile Phone
--------------------------	----------------	--------------

IN VOLVED	Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown	Code	Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex
-----------	--	------	----------------------------	-------------------	-----------	------	-----

IN VOLVED	Home Address	Home Phone
-----------	--------------	------------

IN VOLVED	Employer Name/Address	Business Phone	Mobile Phone
-----------	-----------------------	----------------	--------------

Status Codes	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found (Check "OJ" column if recovered for other jurisdiction)
--------------	---

PRO P R O P E R T Y	Victim #	DCI	Status	Value	OJ	QTY	Property Description	Make/Model	Serial Number

ID	Number of Vehicles Stolen 0	Number Vehicles Recovered 0	Officer Signature	Supervisor Signature
----	-----------------------------	-----------------------------	-------------------	----------------------

Complainant Signature	Case Status <input checked="" type="checkbox"/> Further Investigation <input type="checkbox"/> Inactive <input type="checkbox"/> Closed/Cleared <input type="checkbox"/> Closed/Leads Exhausted	Case Disposition: <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Cleared by Arrest by Another Agency <input type="checkbox"/> Death of Offender	Extradition Declin <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Status	D CI-600F	Prosecution Declined	Page 1

b6
b7C

89A-CE-94597-3

Rev. 3/92

Mylyn
Car

INCIDENT/INVESTIGATION REPORT

Asheville Police Department

Page 3

OCA

09-003743

Status Codes	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found												
	DCI	Status	Quantity	Type Measure	Suspected Type			Check up to 3 types of activity for each					
Possess					Buy	Sale	Mfg	Importing	Operating				
D R U G S													
O F F N D R	Offender Used		Offender 1		Offender 2		Offender 3		Primary Offender Resident Status				
	Alcohol/Drugs		<input type="checkbox"/> Yes	<input type="checkbox"/> Unk	Age: 70	Race: W	Sex: M	Age:	Race:	Sex:	<input type="checkbox"/> Resident		
			<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A							<input checked="" type="checkbox"/> Non-Resident		
	Computer		<input type="checkbox"/> Yes	<input type="checkbox"/> Unk	Offender 4	Offender 5	Offender 6				<input type="checkbox"/> Unknown		
			<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Age:	Race:	Sex:	Age:	Race:	Sex:			
	N				Also Known As				Home Address				
	Occupation				Business Address								
	S U S P E C T	DOB. / Age		Race	Sex	Hgt	Wgt	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses
				W	M				BRO			BLU	
		Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)											
Hat		Jacket		Shirt/Blouse	Tie/Scarf	Coat/Suit	Pants/Dress/Skirt	Socks	Shoes				
Was Suspect Armed?		Type of Weapon				Direction of Travel			Mode of Travel				
VYR 0		Make	Model	Style	Color	Lic/Lis	Vin						
Name (Last, First, Middle)					D.O.B.	Age	Race	Sex	Mobile Phone				
WITNESS		Home Address					Home Phone		Employer			Phone	
		Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input type="checkbox"/> No											
N A R R A T I V E		During times stated, an unknown suspect made two threatening phone calls to victim. [02/06/2009 10:53, APD]											

b6
b7c

REPORTING OFFICER NARRATIVE

Asheville Police Department

OCA
09-003743
Date / Time Reported
Fri 02/06/2009 10:46

Victim
SHULER, HEATHOffense
COMMUNICATING THREAT

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Calls were made while offices were closed.

First call placed on 02-05-2009 at 1745 suspect stated, "Heath, If you don't vote for the stimulus package, I'm gonna kill you. It's that simple."

Second call placed on 02-05-2009 at 1751 suspect stated, "You went to school with my daughter and I can't believe what's happening in Washington. I'm a Republican and I voted for you."

Complainant stated [REDACTED] is the office manager and can be reached at [REDACTED] [02/06/2009 11:01,
[REDACTED], APD]

b6
b7C

Incident Report Additional Suspect List

Asheville Police Department

OCA: 09003743

Additional Suspect List

Page 4

Name (Last, First, Middle)		Also Known As				Home Address
Empl/Occu		Business Address				b6 b7C
S U S P E C	DOB. / Age	Race	Sex	Hgt	Wgt	Physical Char
	70-	W	M			
Scars, Marks, Tattoos, or other distinguishing features						
T	Type of Weapon					
Dir of Travel		Mode of Travel				
Veh Yr/Make/Model		Style	Color	Lic/Lis		Vin

CASE SUPPLEMENTAL REPORT

Printed: 02/11/2009 16:57

Asheville Police Department

OCA: 09003743

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **FURTHER INVESTIGATION** Case Mng Status: **FURTHER INVESTIGATION -** Occured: **02/05/2009**

Offense: **COMMUNICATING THREAT**

Investigator: [REDACTED]

Supervisor: [REDACTED]

Contact:

Date / Time: **02/06/2009 18:28:40, Friday**

Supervisor Review Date / Time: **02/07/2009 15:36:19, Saturday**

Reference: *Investigative Follow-up*

b6
b7C

On 02/06/09 at 1715hrs Det [REDACTED] called the office of Heath Shuler. There was no answer and Det [REDACTED] left a voice mail.

at 1718 De [REDACTED] called RH [REDACTED] He stated Shuler will be in town this weekend and does not have security. He has reported this to the Capitol Police who he stated did not appear to be interested.

Det [REDACTED] contacted the Court Order Bureau of AT&T at 1-800-813-6442 and spoke to [REDACTED] Their office was closing in twenty minutes. Det [REDACTED] described the situation and requested information under exigent circumstances. [REDACTED] stated a request on letterhead would be appropriate and she would be able to provide the information as long as a search warrant was later obtained and submitted. Det [REDACTED] faxed a letter of request and received the pertinent information.

The number given is [REDACTED] and noted as a Verizon number. Det [REDACTED] called the number and there was no answer. Det [REDACTED] searched CAD, RMS and 411 without a match.

At 1825hrs De [REDACTED] called [REDACTED] and relayed that the information received did not provide a name or lead. Det [REDACTED] stated she would follow up and determine if any more information can be gained. [02/06/2009 18:37,
[REDACTED] APD]

Supervisor: [REDACTED]

Date / Time: **02/10/2009 14:12:26, Tuesday**

Contact:

Supervisor Review Date / Time: **02/10/2009 14:59:18, Tuesday**

Reference: *Investigative Follow-up*

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On 2/10/09 at 1220 hours Sgt [REDACTED] contacted Verizon Wireless at 800-451-5242 and inquired if Verizon subscriber [REDACTED] is a registered Verizon customer. Sgt [REDACTED] also ask if Verizon has an exigent circumstance form. Verizon stated that the subscriber is a Verizon customer. Verizon requested Sgt [REDACTED] send an exigent circumstance request on APD letterhead. Sgt. [REDACTED] completed a type request and faxed it to:

Exigent Circumstance Legal Department
Cellco Partnership DBA Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921
908-306-7501.

On 2/10/09 at 1321 hours Sgt. [REDACTED] received a fax from Verizon Wireless. The fax stated that subscriber [REDACTED] a Verizon Communication's subscriber (land phone line).

CASE SUPPLEMENTAL REPORT

Printed: 02/11/2009 16:57

Asheville Police Department

OCA: 09003743

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *FURTHER INVESTIGATION* Case Mng Status: *FURTHER INVESTIGATION -* Occured: 02/05/2009

Offense: *COMMUNICATING THREAT*

Investigator: [REDACTED]

On 2/10/09 at 1347 hours Sgt. [REDACTED] completed an emergency situation disclosure request form to obtain subscriber information for [REDACTED]. Sgt. [REDACTED] faxed the request to Verizon Communications at:

Verizon Communications
Verizon Legal Compliance
PO Box 1001
2701 South Johnson Street
San Angelo, Tx, 76904
888-483-2600
Fax: 325-949-6919

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On 2/10/09 at 1358 hours Sgt. [REDACTED] received an email containing subscriber information for [REDACTED]. The registered subscriber is listed as:
Jackson County Sheriff Office
978 Piney Mountain Road
Whitter, NC 28789

Sgt. [REDACTED] contacted the Jackson County Sheriff's Office at 828-586-2458 which is the detention facility. Sgt. [REDACTED] inquired if the detention facility has the capability of recording inmate phone calls or tracking outgoing calls. The Sheriff deputy stated they did not. The deputy stated that all inmates call are collect calls only.

On 2/10/09 at 1510 hours Sgt. [REDACTED] met with [REDACTED] at Congressman Shuler's office 356 Biltmore Avenue, Ste. 400 [REDACTED] utilized a digital voice recorder and recorded the suspect's voice messages.

On 2/10/09 at 1600 hours Sgt. [REDACTED] contacted Lt. [REDACTED] of the Jackson County Sheriff's Office. Lt. [REDACTED] stated that phone number [REDACTED] is located in a satellite office at 978 West Piney Mountain Road. Lt. [REDACTED] stated that the sheriff's office has an office in the volunteer fire department's and EMS building. Lt. [REDACTED] stated that the building and office is only accessible by passkey and there are approximately 30 individuals who have access. Lt. [REDACTED] ask for a copy of the voice messages and stated he would notify the sheriff and an investigation would be conducted to determine who made the calls. Sgt. [REDACTED] emailed the voice messages and incident report to Lt. [REDACTED] at [REDACTED] jacksonnc.org".

Supervisor: (0)

Date / Time: 02/11/2009 16:21:40, Wednesday

Contact:

Supervisor Review Date / Time: NOT REVIEWED

b6
b7C

Reference: *Investigative Follow-up*

On 2/10/09 at 2010 hours Sgt. [REDACTED] spoke with Lt. [REDACTED]. Lt. [REDACTED] stated that the Jackson County Sheriff's Office had obtained the call records for their Verizon Communication phone number [REDACTED] emailed the call log record to [REDACTED]. This call record displayed that only two calls were made from Verizon subscriber [REDACTED] on 2/5/09:

2/9/09 at 1647 to [REDACTED] of [REDACTED]
2/9/09 at 1649 to [REDACTED] of [REDACTED]

CASE SUPPLEMENTAL REPORT

NOT SUPERVISOR APPROVED

Printed: 02/11/2009 16:57

Asheville Police Department

OCA: 09003743

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: FURTHER INVESTIGATION Case Mng Status: FURTHER INVESTIGATION - Occured: 02/05/2009

Offense: COMMUNICATING THREAT

Investigator: [redacted]

Sgt [redacted] contacted AT&T and Verizon Communications. AT&T phone records list the originating call number [redacted] as the Verizon number that called Congressman Shuler's office number of [redacted] Verizon Communication phone records list subscriber [redacted] as Jackson County Sheriff's Office. Outgoing calls from Verizon Communication subscriber [redacted] indicated no calls from [redacted] to [redacted]. AT&T confirmed that originating call numbers from other carriers may only display the first six digits of the originating call number and the last four digits would be general displayed as default numbers 0000, 1111, or 2222. AT&T advised that the originating call number carrier for [redacted] should be contacted to obtain the last four digits of the originating call number. Verizon Communications informed Sgt. [redacted] that the prefix 586 could be a land line or a land line number which has been ported to a cell phone. Verizon Communications stated that [redacted] with the last four digits [redacted] can relate to carrier transfer for a long distance call made from a Verizon subscriber and the originating call was transferred through several locations, resulting in the actual originating number being replaced with the default Verizon number of [redacted].

On 2/11/09 at 1205 hours Sgt [redacted] and Sgt [redacted] meet with [redacted] Regional Field Representative for Congressman Shuler. The meeting took place at Congressman Shuler's office located at [redacted] requested to record the voice messages again. Sgt. [redacted] explained that when he recorded the messages on 2/10/09 the recorder accidentally picked up a desk phone ringing in the office and it also recorded radio traffic emitting from Sgt [redacted]'s radio. Sgt. [redacted] record the messages. Sgt. [redacted] requested to review the call history of the desk phone. A review of the phones call history displayed that three numbers called [redacted] on 2/5/09 between 1742 and 1750 hours. The calls were displayed as:

[redacted] at 1742 hours
[redacted] at 1744 hours
[redacted] at 1750 hours

Sgt. [redacted] dialed 411 and determined that number [redacted] is registered to [redacted]
[redacted] After reviewing the voice messages it was determine that the caller identified himself as [redacted]

1745 hours call [redacted] I voted for you Heath. If I find that you voted for this stimulus package, I'm gonna kill you, simple as that." b6 b7C

1751 hours call: "You went to school with my daughter. I can't believe what's happening in Washington right now. I can't believe it. I voted for you and I'm a Republican."

Sgt. [redacted] located a NC driver license for [redacted]
[redacted] contacted Sgt. [redacted] and stated that Congressman Shuler's office has a file on [redacted] because he once worked on Congressman Shuler's campaign and there were some issue with [redacted] has been added into RMS as the suspect in this case. All documents have been forwarded to FBI Agent [redacted] for follow up. [02/11/2009 16:53] [redacted] APD]

Detective [redacted]
Criminal Investigations
Phone [redacted]
Fax: (828) 350-0092

**Asheville Police
Department
Criminal
Investigations**

Fax

To: [redacted] From: Detective [redacted]

b6
b7c

Fax: 1-800-294-9805 Date: 02/06/09

Phone [redacted] ext 0 Pages: 2

Re: Letter CC:

Urgent For Review Please Comment Please Reply Please Recycle

Please see attached request



City of Asheville, NC

Police Department

AT&T
Court Order Bureau
500 E 8th St, RM 1302
Kansas City, MO 64106

[redacted]
Fax 800-294-9805

Attn: [redacted]

Dear Ms. [redacted]

As reported to the Asheville Police Department in case number 09-003743 on 2/06/09, the life of Congressman Heath Shuler was threatened in two separate messages left on the local office voice mail.

The calls were received on 02/05/09 at 1745hrs and 1751hrs at [redacted]. Please provide any records for that number in between 1700hrs and 1830hrs on 02/05/09. The congressman is in the local area this weekend and the threats came from someone who claimed Shuler attended school with his daughter.

A search warrant for this information will be provided as soon as it is obtained. Please provide any information by fax to Detective [redacted] of the Asheville Police Department at [redacted].

b6

b7c

[redacted]
Asheville Police Department
Criminal Investigations Division

[redacted] cell

P.O. Box 7148 - Asheville, N.C. 28802 - 828-259-5880 • www.ashevillenc.gov

The City of Asheville is committed to delivering an excellent quality of service to enhance your quality of life.

AT&T Court Order Bureau
500 East 8th
Room 1302
Kansas City, MO 64106
Ph: [REDACTED] Fax: 8002949805

The information contained in the following facsimile message is proprietary and confidential information intended for the use of the individual or entity named on this cover sheet. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

TO:

[REDACTED]
POLICE DEPT:ASHEVILLE NC
PHONE: [REDACTED]
FAX : 8283500092

b6
b7CFROM:
PHONE:

[REDACTED]

NUMBER OF PAGES : 8 4
(EXCLUDING COVER)

SENT ON: Feb 06, 2009 17:07:46

PLEASE CALL [REDACTED] IF FAX TRANSMISSION IS INCOMPLETE

AT&T Court Order Bureau
500 East 8th
Room 1302
Kansas City, MO 64106

Feb 06, 2009

POLICE DEPT:ASHEVILLE NC
PO BOX 7148

ASHEVILLE NC 28802

REF: C-2009-02-06-231

Attn: [REDACTED]

The AT&T Court Order Bureau has received your court
order number BD EMER.

Your case has been assigned the control number of C-2009-02-06-231^{b6}
^{b7C}

The information contained in this document must be maintained by
your agency for tracking purposes. Any special bills issued by
the COB will reference the assigned Control Number.

Detailed target and requested line(s) information is attached.
Please feel free to contact me on [REDACTED] if you have any
questions regarding this case.

Sincerely,

[REDACTED]

Attachment

Page : 1
RUN DATE: 02/06/2009

ASSIGNMENT NOTIFICATION REPORT

Control Number:	2009-02-06-231	Category:	BLG# SEARCH
Open Date:	02/06/2009	Classification:	STATE
Effective Date:	02/06/2009	Status:	OPEN
Expiration Date:	02/11/2009	Service/Credit Info:	SERVICE
Court Order No:	BD EMER		
TOLL:	YES		
T3 Intercept:	NO	Internet Intercept:	NO
Build-Out:	NO		

----- LEA CONTACT & BILLING INFO -----

Agency: POLICE DEPT:ASHEVILLE NC
Phone number: [REDACTED] Fax Number: 8283500092
Contact Name: [REDACTED]

b6
b7C

Proprietary
Not for use or disclosure outside the AT&T family of
companies except under written agreement

Page : 2
RUN DATE: 02/06/2009

TARGET INFORMATION

Target Number:	[REDACTED]	Billing # Search:	YES	b6
Trap/Trace:	NO	Start Date:	02/06/2009	b7C
CNA:	YES	End Date:	02/11/2009	

Proprietary
Not for use or disclosure outside the AT&T family of
companies except under written agreement

02/06/2009 18:12 FAX 8002949805

SBC COURT ORDER BUREAU

四〇〇五/〇〇五

Verizon
South - Cont'd

CAD - Neg

RMS - Neg

b6 b7C 411 - Nothing listed

**Asheville Police
Department
Criminal
Investigations**

Criminal Investigations
Phone: _____
Fax: (828) 350-0092

Fax

To: [REDACTED] AT&T From: Detective [REDACTED]

Fax: 1-800-294-9805 **Date:** 02/06/09 *17*

Phone: [REDACTED] ext 0 **Pages:** 5

Re: Search Warrant **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

b6
b7C

AT&T Court Order Bureau
500 East 8th, Room 1302
Kansas City, MO 64106

Please see the attached search warrant reference your control number C-2009-02-06-231.

Film No.	File No.	STATE OF NORTH CAROLINA BUNCOMBE COUNTY	In the General Court of Justice District Court Division
SEARCH WARRANT			
In the Matter of			
AT&T phone number 828-252-1651			
Date Issued 2/12/2009	Time Issued 1:30 <input type="checkbox"/> <input checked="" type="checkbox"/> AM		
Name of Applicant Det Janice Hawkins			
Name of Additional Affiant N/A			
Name of Additional Affiant N/A			
RETURN OF SERVICE			
I certify that this Search WARRANT was received and executed as follows:			
Date Received 2/12/2009	Time Received <input type="checkbox"/> AM <input type="checkbox"/> PM		
Date Executed	Date and Time Returned		
<input type="checkbox"/> I made a search of _____			
as commanded.			
<input type="checkbox"/> I seized the items listed on the attached inventory <input type="checkbox"/> I did not seize any items <input type="checkbox"/> This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed.			
Signature of Officer Making Return			
Department or Agency of Officer Asheville Police Department			
AOC-CR-119 Rev 8/83		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> District Ct. Judge <input type="checkbox"/> Superior Ct. Judge	
Signature			
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court	

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as describe in the application.

You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

Signature

2-12-09 J. K. Hedden

Deputy CSC Asst. CSC Clerk of Superior Court

Magistrate District Ct. Judge Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below

Date _____ Time _____ AM PM

Signature

Deputy CSC Asst. CSC Clerk of Superior Court

APPLICATION FOR SEARCH WARRANT

I, DET. JANICE HAWKINS OF THE ASHEVILLE POLICE DEPARTMENT

(Insert name and address; or if law enforcement officer, name, rank, and agency)

being duly sworn, request that the court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that

SEE ATTACHMENT PAGE ONE SECTION ENTITLED

(Describe property to be seized; or if search warrant is to be used for searching a place

"PROPERTY TO BE SEIZED"

(to serve an arrest warrant or other process, name person to be arrested)

constitutes evidence of a crime and the identity of a person participating in a crime,

SEE ATTACHMENT PAGE ONE SECTION ENTITLED "CRIMES", and is located

(Name Crime)

(check appropriate box(es) and fill-in specified information)

in the following premises SEE ATTACHMENT PAGE ONE SECTION ENTITLED

(Give address and if useful, describe premises)

"IN THE FOLLOWING PREMISES"

(and)

on the following person(s) N/A

(Give name(s) and, if useful, describe person(s))

(and)

in the following vehicle(s) N/A

(Describe vehicle(s))

(and)

N/A

(Name and/or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

THE FACTS TO ESTABLISH PROBABLE CAUSE FOR THE ISSUANCE OF THIS SEARCH WARRANT ARE SET FORTH ON ATTACHMENT PAGE ONE THROUGH ATTACHMENT PAGE TWO IN SECTION ENTITLED "FACTS TO ESTABLISH PROBABLE CAUSE".

SWORN TO AND SUBSCRIBED BEFORE ME	
Date <i>J. R. Hawkins</i>	<i>J. R. Hawkins</i>
Signature <i>J. R. Hawkins</i>	Signature of Applicant

Deputy CSC Asst. CSC Clerk of Superior Court Mag. Judge

In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by:

In addition to the affidavit included above, this application is supported by sworn testimony, given by:

This testimony has been (check appropriate box) reduced to writing tape recorded and I have filed each with the Clerk.

*If a continuation is necessary, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.

ATTACHMENT PAGE ONE attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of AT&T number 828-252-1651.

"PROPERTY TO BE SEIZED"

1. The originating number for calls terminating at 828-252-1651 on February 5, 2009 between the hours of 1700hrs and 1830hrs.
2. Any identifying information for the originating number including the account holder names and address and company name from which the service was issued.

"CRIMES"

1. Communicating Threats in Violation of N.C.G.S. 14-277.1
2. Harassing Phone Calls in Violation of N.C.G.S 14-196
3. Threat Against a Executive, Legislative, or Court Officer in violation of N.C.G.S 14-16.7

"IN THE FOLLOWING PREMISES"

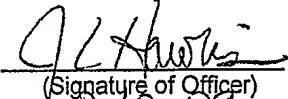
AT&T Court Order Bureau
500 East 8th
Room 1302
Kansa City, MO 64106
PH: 1-800-813-6442
FAX: 1-800-294-9805

"FACTS TO ESTABLISH PROBABLE CAUSE"

THE AFFIANT SWEARS TO THE FOLLOWING FACTS TO ESTABLISH PROBABLE CAUSE FOR ISSUANCE OF A SEARCH WARRANT:

I, the affiant, Janice L. Hawkins, am a sworn Law Enforcement Officer in the State of North Carolina employed by the Asheville Police Department for nine years. The affiant maintains the rank of Detective in the Criminal Investigations Division. The affiant's has investigated numerous cases involving residential, business, and vehicular break-ins, misdemeanor and felony larceny, sexual assaults, narcotics, frauds, assaults, homicides, and other community complaints and criminal violations. These investigations have resulted in both the arrest and conviction of numerous persons. The affiant has participated in the execution of numerous search warrants resulting in the seizure of weapons, controlled substances, drug paraphernalia, and evidence directly related to the commission of crimes. The affiant has extensive training in the field of investigations.


(Signature of Official)
2-12-09
(Date)


(Signature of Officer)
2-12-09
(Date)

ATTACHMENT PAGE TWO attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of AT&T number 828-252-1651

"FACTS TO ESTABLISH PROBABLE CAUSE" continued

On 2/5/09 at 1745 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 located at 356 Biltmore Avenue Ste 400, Asheville NC 28801. The caller left a voice message stating "John Adams. I voted for you Heath. If I find that you voted for this stimulus package, I'm gonna kill you, simple as that."

On 2/5/09 at 1751 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 and left a voice message stating "You went to school with my daughter. I can't believe what's happening in Washington right now. I can't believe it. I voted for you and I'm a Republican."

On 2/6/09 at 1718 hours US Congressman Heath Shuler's local representative Randy Flack confirmed that US Congressman Heath Shuler would be in the area over the weekend.

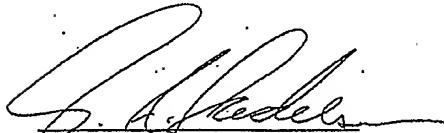
Randy Flack states that the office of US Congressman Heath Shuler has no way of determining what number the threatening calls came from. The AT&T number Randy Flack provided, 828-252-1651, is the number to US Congressman Heath Shuler's office at 356 Biltmore Ave, Suite 400, Asheville, NC 28801. He requested that Det Janice Hawkins obtain a search warrant on 828-252-1651 to determine where the calls to US Congressman Heath Shuler originated.

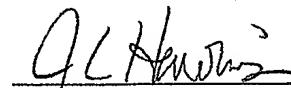
Through training, knowledge, and experience as a law enforcement officer, the affiant knows phone service providers maintain records related to subscriber information, account registration, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet Protocol numbers), and message content, that may assist in the identification of person/s accessing and utilizing the account.

The affiant request all documentation be faxed to Det Janice Hawkins at 828-350-0092.

* It is requested that AT&T not disclose this search warrant application as it could impede the criminal investigation. Such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, flee, or continue his flight from prosecution.

**THEREFORE, THE AFFIANT RESPECTFULLY REQUESTS OF THE COURT
THE ISSUANCE OF A SEARCH WARRANT:**


(Signature of Official)
2-12-09
(Date)


(Signature of Officer)
2-12-09
(Date)

* * * Communication Result Report (Feb. 12, 2009 3:12AM) * * *

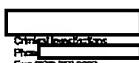
2)

Date/Time: Feb. 12, 2009 3:10AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0282 Memory TX	918002949805	P. 5	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection



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Fax

To: [REDACTED]	AT&T	From: Detective [REDACTED]
Fax:	1-800-294-0005	Date: 02/09/09
Pages:	[REDACTED] 10	Pages: 5
Etc:	Search Warrant	CC:

Urgent For Review Please Comment Please Reply Please Recycle

AT&T Court Order Bureau
 500 East 6th, Room 1302
 Kansas City, MO 64106

Please see the attached search warrant reference your control number C-2009-02-03-231.

Detective [REDACTED]
Criminal Investigations
Phone: [REDACTED]
Fax: (828) 350-0092

**Asheville Police
Department
Criminal
Investigations**

Fax

To: Verizon Legal Compliance **From:** Detective [REDACTED] b6
Fax: 1-325-947-3022 **Date:** 02/12/09 b7C
Phone: [REDACTED] **Pages:** 6
Re: Search Warrant **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

Verizon Legal Compliance
P.O. Box 1001
6th Floor North
San Angelo, TX 76902

Please see the attached search warrant reference your case number 09257145000.

Film No.	File No.	STATE OF NORTH CAROLINA BUNCOMBE COUNTY	In the General Court of Justice District Court Division
SEARCH WARRANT			
In the Matter of			
Verizon phone number 828-586-0000			
Date Issued 2/12/2009	Time Issued 1130 <input checked="" type="checkbox"/> AM		
Name of Applicant Det Janice Hawkins			
Name of Additional Affiant N/A			
Name of Additional Affiant N/A			
RETURN OF SERVICE			
I certify that this Search WARRANT was received and executed as follows:			
Date Received 2/12/2009	Time Received <input type="checkbox"/> AM <input type="checkbox"/> PM		
Date Executed	Date and Time Returned		
<input type="checkbox"/> I made a search of _____			
as commanded.			
<input type="checkbox"/> I seized the items listed on the attached inventory <input type="checkbox"/> I did not seize any items <input type="checkbox"/> This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed.			
Signature of Officer Making Return		Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Department or Agency of Officer Asheville Police Department		Signature	
AOC-CR-119 Rev 8/83		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> District Ct. Judge <input type="checkbox"/> Superior Ct. Judge	

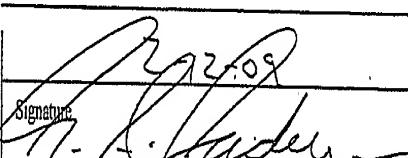
To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as describe in the application.

You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and the keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.


Signature
Det. Janice Hawkins

Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below

Date _____ Time _____
 AM PM

Deputy CSC Asst. CSC Clerk of Superior Court

APPLICATION FOR SEARCH WARRANT

I, JANICE HAWKINS OF THE ASHEVILLE POLICE DEPARTMENT

(Insert name and address; or if law enforcement officer, name, rank, and agency)

being duly sworn, request that the court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that SEE ATTACHMENT PAGE ONE SECTION ENTITLED

"PROPERTY TO BE SEIZED"
(Describe property to be seized; or if search warrant is to be used for searching a place

to serve an arrest warrant or other process, name person to be arrested)

constitutes evidence of a crime and the identity of a person participating in a crime,
SEE ATTACHMENT PAGE ONE SECTION ENTITLED "CRIMES", and is located

(Name Crime)

(check appropriate box(es) and fill-in specified information)

in the following premises SEE ATTACHMENT PAGE ONE SECTION ENTITLED

(Give address and if useful, describe premises)

"IN THE FOLLOWING PREMISES"

(and)

on the following person(s) N/A

(Give name(s) and, if useful, describe person(s))

(and)

in the following vehicle(s) N/A

(Describe vehicle(s))

(and)

N/A

(Name and/or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

THE FACTS TO ESTABLISH PROBABLE CAUSE FOR THE ISSUANCE OF THIS SEARCH WARRANT ARE SET FORTH ON ATTACHMENT PAGE ONE THROUGH ATTACHMENT PAGE THREE IN SECTION ENTITLED "FACTS TO ESTABLISH PROBABLE CAUSE".

SWORN TO AND SUBSCRIBED BEFORE ME

Date

Signature

Signature of Applicant

Deputy CSC Asst. CSC Clerk of Superior Court Mag. Judge

In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by:

In addition to the affidavit included above, this application is supported by sworn testimony, given by:

This testimony has been (check appropriate box) reduced to writing tape recorded and I have filed each with the Clerk.

*If a continuation is necessary, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.

ATTACHMENT PAGE ONE attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of Verizon number 828-586-0000.

"PROPERTY TO BE SEIZED"

1. Any and subscriber information for the Verizon phone number 828-586-0000.

"CRIMES"

1. Communicating Threats in Violation of N.C.G.S. 14-277.1
2. Harassing Phone Calls in Violation of N.C.G.S 14-196
3. Threat Against a Executive, Legislative, or Court Officer in violation of N.C.G.S 14-16.7

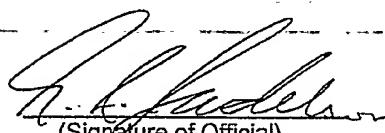
"IN THE FOLLOWING PREMISES"

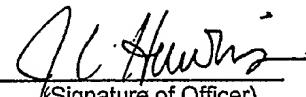
Verizon Legal Compliance
P.O. Box 1001
6th Floor North
San Angelo, TX 76902-1001
888-483-2600
Fax 325-949-6916

"FACTS TO ESTABLISH PROBABLE CAUSE"

THE AFFIANT SWEARS TO THE FOLLOWING FACTS TO ESTABLISH PROBABLE CAUSE FOR ISSUANCE OF A SEARCH WARRANT:

I, the affiant, Janice L. Hawkins, am a sworn Law Enforcement Officer in the State of North Carolina employed by the Asheville Police Department for nine years. The affiant maintains the rank of Detective in the Criminal Investigations Division. The affiant's has investigated numerous cases involving residential, business, and vehicular break-ins, misdemeanor and felony larceny, sexual assaults, narcotics, frauds, assaults, homicides, and other community complaints and criminal violations. These investigations have resulted in both the arrest and conviction of numerous persons. The affiant has participated in the execution of numerous search warrants resulting in the seizure of weapons, controlled substances, drug paraphernalia, and evidence directly related to the commission of crimes. The affiant has extensive training in the field of investigations.


(Signature of Official)
2-12-09
(Date)


(Signature of Officer)
2-12-09
(Date)

ATTACHMENT PAGE TWO attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of Verizon number 828-586-0000.

"FACTS TO ESTABLISH PROBABLE CAUSE" continued

On 2/5/09 at 1745 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 located at 356 Biltmore Avenue Ste 400, Asheville NC 28801. The caller left a voice message stating "John Adams. I voted for you Heath. If I find that you voted for this stimulus package, I'm gonna kill you, simple as that."

On 2/5/09 at 1751 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 and left a voice message stating "You went to school with my daughter. I can't believe what's happening in Washington right now. I can't believe it. I voted for you and I'm a Republican."

On 2/6/09 at 1718 hours US Congressman Heath Shuler's local representative Randy Flack confirmed that US Congressman Heath Shuler would be in the area over the weekend.

Randy Flack states that the office of US Congressman Heath Shuler has no way of determining what number the threatening calls came from. The AT&T number Randy Flack provided, 828-252-1651, is the number to US Congressman Heath Shuler's office at 356 Biltmore Ave, Suite 400, Asheville, NC 28801. He requested that Det Janice Hawkins obtain a search warrant on 828-252-1651 to determine where the calls to US Congressman Heath Shuler originated.

On 02/06/09 at 1812 hours under exigent circumstances the AT&T Court Order Bureau provided the following information regarding calls terminated at 828-252-1651.

On 02/05/09 at 1742 hours a call was received at 828-252-1651 from Verizon number 828-586-0000. At 1745 hours another call was received from 828-586-0000. At 1750 hour a third call was received from 828-586-0000.

The last two calls from 828-586-0000 correspond to the times the threatening messages were left on the voice mail for US Congressman Heath Shuler.

Police Records do not contain any record of the number 828-586-000 and AT&T 411 Nationwide information could not provide any name or address related to this number.

The facts above indicate the subscriber information for the Verizon number 828-586-0000 will provide possible suspect information in the crimes listed.



(Signature of Official)
2-12-09
(Date)



(Signature of Officer)
2-12-09
(Date)

ATTACHMENT PAGE THREE attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of Verizon number 828-586-0000.

"FACTS TO ESTABLISH PROBABLE CAUSE" continued

Through training, knowledge, and experience as a law enforcement officer, the affiant knows phone service providers maintain records related to subscriber information, account registration, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet Protocol numbers), and message content, that may assist in the identification of person/s accessing and utilizing the account.

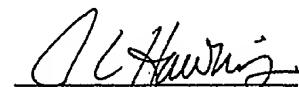
The affiant request all documentation be faxed to Det Janice Hawkins at 828-350-0092.

- * It is requested that Verizon not disclose this search warrant application as it could impede the criminal investigation. Such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, flee, or continue his flight from prosecution.

**THE THEREFORE, THE AFFIANT RESPECTFULLY REQUESTS OF THE COURT
THE ISSUANCE OF A SEARCH WARRANT:**



B. J. Adelson
(Signature of Official)
2-12-09
(Date)



J. C. Hawkins
(Signature of Officer)
2-12-09
(Date)



City of Asheville, NC

Police Department

TO: Exigent Circumstance Legal Department
Cellco Partnership DBA Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921
800-451-5242
Fax: 908-306-7501

FROM: Sgt. [REDACTED]
Asheville Police Department
Criminal Investigation Division
Asheville, NC 28801
Office: [REDACTED]
Fax: 828-350-0088

Reference [REDACTED]

On 2/6/09 two threatening phone calls were made to US Congressman Heath Shuler reference case number 09-003743. The caller threatened to kill Congressman Schuler. During the course of our investigation it was determined that the threatening phone calls initiated from Verizon subscriber [REDACTED]

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Based on the seriousness of these threatening phone calls being made to a US Congressman exigent circumstance exist as a matter of public safety to maintain national order and the physical safety of Congressman Shuler. The Asheville Police Department is requesting the subscriber information for Verizon subscriber [REDACTED] to include all subscriber information. Please fax the aforementioned exigent circumstance documentation to Sgt. [REDACTED] at fax number [REDACTED] Detective [REDACTED] [REDACTED] will be obtaining and providing a search warrant for this information and outgoing phone calls on 2/6/09.

Sgt. [REDACTED]
Asheville Police Department

Sgt. [REDACTED]

P.O. Box 7148 - Asheville, N.C. 28802 - 828-259-5880 - www.ashevillenc.gov

The City of Asheville is committed to delivering an excellent quality of service to enhance your quality of life.

Verizon Wireless
Law Enforcement Resource Team
Office of Integrity & Compliance
180 Washington Valley Road
Bedminster, New Jersey 07921

February 9, 2009

To: Sergeant [REDACTED]
Asheville Police Department
Asheville, NC 28802

Phone #: [REDACTED] Fax #: 828-350-0088
From: Toni - Analyst - Law Enforcement Resource Team
Telephone Number: [REDACTED] Option 3
Fax Number: 908-306-7491/92
Our Case: 02/10/09-221619
Your Case #: [REDACTED]

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Subject: Sergeant [REDACTED] The above listed telephone number is a landline number, which, belongs to Verizon Communications. Their contact number is [REDACTED] option 3. If you have any questions, or, if I can be of any further assistance, please contact me at the number listed above. My work hours are Monday through Friday 11:00 am until 8:00 pm EST. Have a great day.

Sincerely,

Toni

Total # of Pages: 2

Note: *These records cannot be sent via Email***

"Please note, that the time reflected on any call detail report or bill copy is reflective of the switch that processed the call, which may not be the same as the clock time at the cell site where the call was initiated."

If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it and all copies and backups thereof. Thank you."

* * * Communication Result Report (Feb. 10. 2009 1:48PM) * * *

1)

Date/Time: Feb. 10. 2009 1:47PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2432 Memory TX	913259473022	P. 1	OK	

Reason for error

E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection

Feb. 10. 2009 12:39PM VZ LG I

Re.7119 P. 1

VERIZON LETTER AGREEMENT
 FEB 2002 EDITION
 1000 EAST 10TH STREET
 KANSAS CITY, MO 64101
 816-451-7400

February 10, 2009

EMERGENCY SITUATION DISCLOSURE REQUEST BY LAW ENFORCEMENT

Verizon may divulge records or other information to governmental entities in emergency situations, pursuant to 18 U.S.C. §2702(b)(8) or §2702(c)(4). Please complete this form to assist Verizon in evaluating your request.

Date of Request: 2/10/09

Verizon Case #: 09257145

1. Does your request relate to an emergency involving danger of death or serious physical injury to any person? YES NO

2. Does this emergency require disclosure without delay of records or other information relating to that emergency? YES NO

3. What is the specific information in Verizon's possession that you are requesting relating to the Emergency? Descriptive Information

If Verizon makes an emergency disclosure to your law enforcement agency or governmental entity pursuant to 18 U.S.C. § 2702(b)(8) or § 2702(c)(4), you agree that Verizon is entitled to reimbursement for costs and fees pursuant to 18 U.S.C. §2705, and Verizon's fee schedule.

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b7C

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Sgt. Arlonville Police Dept.
 Printed Name Name of Agency/Governmental Entity
27 27118 Arlonville Police Plaza
Address
CIO Sergeant Arlonville NC 28701
Title CITY, STATE, ZIP
 FAX NUMBER
338-350-0093

Invoice Information
 If different from above:
PLEASE RETURN COMPLETED FORM
WITHIN 24 HRS
VIA FAX TO: (FAX #)
Questions, please call: _____

All information contained herein should be considered confidential. This information has been prepared and distributed for Law Enforcement only. If you have received this, please do not disclose, copy, or distribute to anyone other than an authorized Law enforcement official.

VERIZON LEGAL COMPLIANCE
P O BOX 1001 6TH FLOOR NORTH
SAN ANGELO, TX 76902

VERIZON CONFIDENTIAL - The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance of the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone at the number given to arrange for return of the faxed document to us. Thank you.

TO: [REDACTED]
COMPANY: POLICE DEPT ASHEVILLE
FAX NUMBER: 8283500088
PHONE NUMBER: [REDACTED]
FROM: VZLC AS
DATE: 02/10/2009 01:58:02
STARSp Case Number: 09257145000
Docket/File Number: n/a
Faxed Pages: 3
SENDER'S PHONE NUMBER: [REDACTED]
SENDER'S FAX NUMBER: 325-949-6916
Notes/Comments:
[REDACTED]

b6
b7C

STARSxp Case Number 09257145000

TN: [REDACTED] MSD: Original Acct DT: 20070412

Primary BTN: [REDACTED] Account Status: L

Class of Service: B Local Service Provider:

Cust Acct Num: [REDACTED]

Service Date: 20090130 Service Order Num: C9992848

b6

Service Term Date:

b7C

Billing Company Code: CTNC

PUB/NON:

Customer Name: JACKSON COUNTY SHERIFF OFFIC

Service Address: 978 PINEY MOUNTAIN RD W. WHITTIER NC 28789-7836 null

Service Location:

Service City: WHITTIER

Service State: NC

Service Zip Code: 287897836

Listing Name: Jackson, County Sheriff Offic

Listing Address:

Listing Location:

INVESTIGATIVE NOTES

Investigator: [redacted]

Case #: 09-003743

Date/Time

Notes

2/6/09

1918

hrs.

- ATT

Cong. Heath Shuler

Fax 1-800-294-9805 -

→ 20 min.

2/6/09 ATT

M-F 8-5 central

Business hrs.

8-5pm

b6
b7c

800-807-4205 emergency

A-H: 500 E 8th St. Room 1302
Court Order
Beaverton Kansas City MO 64106
Fax: 400-294-9805

2/6/09

cb / [redacted]

- expl. no lead.

1825

STATE OF NORTH CAROLINA

SWAIN

County

File No.

In the General Court of Justice
District Court Division
(Signature)

IN THE MATTER OF:

FINDINGS AND CUSTODY ORDER
INVOLUNTARY COMMITMENT

Name and Address of Respondent

JOHN JACKSON ADAMS
46 ADAMS ESTATE
WHITTIER NC 28789

G.S. 122C-261, -263, -281, -283

FINDINGS

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

(Check all that apply)

- 1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
 - in addition to being mentally ill, respondent is also mentally retarded.
- 2. a substance abuser and dangerous to self or others.

CUSTODY ORDER

TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody

- 1. and take the respondent for examination by a physician or eligible psychologist. (A COPY OF THE EXAMINER'S FINDINGS SHALL BE TRANSMITTED TO THE CLERK OF SUPERIOR COURT.)
 - > IF the examiner finds that the respondent IS NOT a proper subject for involuntary commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
 - > IF the examiner finds that the respondent IS mentally ill and a proper subject for outpatient commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
 - > IF the examiner finds that the respondent IS mentally ill and a proper subject for inpatient commitment, then you shall transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.
 - > IF the examiner finds that the respondent IS a substance abuser and subject to involuntary commitment, the examiner must recommend whether the respondent be taken to a 24-hour facility or released, and then you shall either release him/her or transport the respondent to the 24-hour facility named below to temporary custody, examination and treatment pending a district court hearing.
- 2. and transport the respondent directly to the 24-hour facility named below, for temporary custody, examination and treatment pending a district court hearing. (FOR PHYSICIAN/PSYCHOLOGIST PETITIONERS ONLY)

Name Of 24-Hour Facility For Mentally Ill BALSAM CENTER OR ANY OTHER DHR-APPROVED FACILITY Or following facility designated by area authority:	Date 02/11/2009
	Time 7:04:29 PM
Name Of 24-Hour Facility For Substance Abuser Or following facility designated by area authority:	Signature MICHAEL E BURNETTE
	MAGISTRATE

NOTE TO MAGISTRATE OR CLERK:

If the respondent is mentally retarded in addition to being mentally ill, you must contact the area authority before issuing a custody order to determine the facility to which the respondent will be taken. If the area mental health authority where the respondent resides has a single portal plan, you must call the area authority to determine the appropriate 24-hour facility or other treatment before issuing any custody order.

NOTE TO ANY LAW ENFORCEMENT OFFICER:

You shall take the respondent into custody within 24 hours after the date this Order is signed. Without unnecessary delay after assuming custody, you shall take the respondent to an area facility for examination by a physician or eligible psychologist; if a physician or eligible psychologist is not immediately available in the area facility, you shall take the respondent to any physician or eligible psychologist locally available. If a physician or psychologist is not available, you may temporarily detain the respondent in an area facility if one is available; if an area facility is not available, you may detain the respondent under appropriate supervision, in the respondent's home, in a private hospital or clinic, or in a general hospital, but not in a jail or other penal facility.

02/18/2009

***** ARREST *****
SENSITIVE / UNCLASSIFIED

Case Number: 89A-CE-94597
Serial No.:

Stat Agent Name [REDACTED]
Stat Agent SOC. [REDACTED]

Report Date: 02/18/2009
Accom Date.: 02/12/2009

b6
b7C

Does Accomplishment Involve	Assisting Joint Agencies	Assisting Agents SOC	Subject Name
Drugs : N			[REDACTED]
A Fugitive. : N			
Bankruptcy Fraud. : N			
Computer Fraud/Abuse. : N			
Corruption of Public Officials: N			
Money Laundering. : N			

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help
2 = Helped, Minimally
3 = Helped, Substantially
4 = Absolutely Essential

FINAN ANALYST	LAB FIELD SUP	UCO - NAT BACK	VICT-WITN COOR
AIRCRAFT ASST	PEN REGISTERS	NCAVC/VI-CAP	IO WANTED FLYR
COMPUTER ASST	PHOTO COVERGE	CRIM/NS INTEL	SARS
CONSEN MONITR	POLYGRAPH	CRIS NEG-FED	CART
ELSUR/FISC	SRCH WAR EXEC	CRIS NEG-LOC	ASSET FORF PRO
ELSUR/III	SHOW MONEY	ERT ASST	FORF SUPPORT P
ENG FIELD SUP	SOG ASST	BUTTE-ITC	TFOS/CTD
ENG TAPE EXAM	SWAT TEAM	SAVANNAH-ITC	CXS/CTD
LEGATS ASST.	TECH AG/EQUIP	POC-WRCSC	INFRAGARD/CYD
EVIDNCE PURCH	TEL TOLL RECS	FT. MON-NRCSC	OFC/CID
INFORMANT/CW	UCO-GROUP I	FOR LANG ASST	PPP
LAB DIV EXAMS	UCO-GROUP II	NON FBI LAB EX	

Arrest is for Federal, Local, or International (F/L/I)... : F
 Arrest Subject Priority (A/B/C). : A
 Did Subject Resist (Y/N). : N
 Was Subject Armed (Y/N). : N

United States Code Violation

Title	Section	Count
-----	-----	-----
18	115	1

Accomplishment Narrative

89A-CE-94597-5

02/18/2009

***** COMPLAINT *****
SENSITIVE / UNCLASSIFIED

Case Number: 89A-CE-94597
Serial No.:

Stat Agent Name: [REDACTED]
Stat Agent SOC: [REDACTED]

Report Date: 02/18/2009
Accom Date.: 02/12/2009

Does Accomplishment Involve	Assisting Joint Agencies	Assisting Agents SOC	Subject Name
Drugs : N			[REDACTED]
A Fugitive. : N			
Bankruptcy Fraud. : N			
Computer Fraud/Abuse. : N			
Corruption of Public Officials: N			
Money Laundering. : N			

b6
b7C

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help

2 = Helped, Minimally

3 = Helped, Substantially

4 = Absolutely Essential

FINAN ANALYST	LAB FIELD SUP	UCO - NAT BACK	VICT-WITN COOR
AIRCRAFT ASST	PEN REGISTERS	NCAVC/VI-CAP	IO WANTED FLYR
COMPUTER ASST	PHOTO COVERGE	CRIM/NS INTEL	SARS
CONSEN MONITR	POLYGRAPH	CRIS NEG-FED	CART
ELSUR/FISC	SRCH WAR EXEC	CRIS NEG-LOC	ASSET FORF PRO
ELSUR/III	SHOW MONEY	ERT ASST	FORF SUPPORT P
ENG FIELD SUP	SOG ASST	BUTTE-ITC	TFOS/CTD
ENG TAPE EXAM	SWAT TEAM	SAVANNAH-ITC	CXS/CTD
LEGATS ASST.	TECH AG/EQUIP	POC-WRCSC	INFRAGARD/CYD
EVIDNCE PURCH	TEL TOLL RECS	FT. MON-NRCSC	OFC/CID
INFORMANT/CW	UCO-GROUP I	FOR LANG ASST	PPP
LAB DIV EXAMS	UCO-GROUP II	NON FBI LAB EX	

Complaint is for Federal/Local/International (F/L/I)... : F

Civil Rico Complaint (Y/N).....: N

United States Code Violation

Title	Section	Counts
-----	-----	-----
18	115	1

Accomplishment Narrative

SENSITIVE / UNCLASSIFIED

89A-CE-94597-5

[Signature] Squad supervisor approval
(please initial)

Accomplishment Report

(Accomplishment must be reported and loaded into ISRAA within 30 days from date of accomplishment)

Date Prepared 2/12/09
Date Loaded 02-18-09
Date Loader's Initials dc

Accomplishment involves:
(check all that apply)

Drugs	<input type="checkbox"/>
A Fugitive	<input type="checkbox"/>
Bankruptcy Fraud	<input type="checkbox"/>
Computer Fraud/Abuse	<input type="checkbox"/>
Corruption of Public Official	<input type="checkbox"/>
Money Laundering	<input type="checkbox"/>
Sub Invest Asst by FO(s)	<input type="checkbox"/>

File Number
89A-CE-94597

Asst. FO(s) _____
A. B. C. D.

Task Force _____

Assisting Agencies X •
1. _____
Name: _____
2. _____
Name: _____

Investigative Assistance or Technique Used								
Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT
		Fin. Analyst			Lab. Field Sup		UCO - Nat.Back	
		Aircraft Ass't			Pen Registers		NCAVC/V-CAP	
		Computer			Photo Cover		Crim/NS Intel Ass't	
		Consen Mon.			Polygraph		Crisis Neg.- Fed	
		ELSUR / FISC			Search Warrant		Crisis Neg.- Local	
		ELSUR / T. III			Show Money		ERT Ass't	
		Eng. Field Spt.			SOG Ass't		Bulle - ITC	
		Eng. Tape Ex.			Swat Team		Sav - ITC	
		Legals Asst.			Tech. Ag/Equip.		Poc - ITC	
		Evid. Purchase			Phone Toll Rec		FL Mon. - ITC	
		Inf/CW Info			UCO - Group I		For. Lang Asst.	
		Lab. Div. Exam			UCO - Group II		Non FBI Lab Ex	
								PPP

A. Complaint / Information/ Indictment

Federal Local International
Complaint Date: 2/12/09

Check if Civil Rico Complaint

Information Date: _____

Indictment Date: _____

F. Conviction

Federal Local International
Conviction Date: _____

Subject Description Code _____ * (_____) *
For 6F, G, H-Include Agency Code

Felony or Misdemeanor
 Plea or Trial
State: _____ **Judicial District:** _____

J. Civil Rico Matters Date: _____

Also complete "Section G"

Other Civil Matters Date: _____

Judgment _____

Judicial Outcome _____ * X

Amount \$ _____

Suspension: Years _____ Months _____

K. Administrative Sanction Date: _____

Subject Description Code _____ *

Type: _____ Length: _____

Suspension Permanent
 Debarment or
 Injunction Year _____ Months _____

B. Locate / Arrest

Federal Local International
Subject Priority: A B C
Locate Date: 12
Arrest Date: 2/12/09
 Subject Resisted Arrest
 Subject Arrested was Armed

G. U.S. Code Violation

Required for sections A, B, F and J
(Federal Only)

Tip	Section	# Counts
<u>18</u>	<u>115</u>	<u>1</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

L. Asset Seizure Date: _____

Asset Forfeiture Date: _____

CATS # Mandatory: _____

Circle below one of the three asset forfeiture:

Admin, Civil Judicial, or Criminal

Do not indicate \$ value in Section D

C. Summons Date: _____
 Federal Local

M. Acquittal/ Dismissal/ Pretrial Diversion

(Circle one) Date: _____

D. Recovery / Restitution / PELP X

Federal Local International
Recovery Date: _____
Code * Amount \$ _____
Code * Amount \$ _____
Restitution Date: _____
 Court Ordered Pretrial Diversion
Code * Amount \$ _____
PELP Date: _____
Code * Amount \$ _____

H. Sentence Date: _____
Sentence Type: _____ , _____ , _____ .
In Jail: Years _____ Months _____
Suspended: Years _____ Months _____
Probation: Years _____ Months _____
Fines: \$ _____

N. Drug Seizures ✓ Date: _____

Drug Code * _____

Weight _____ Code * _____

FDIN _____

Do not indicate \$ in Section D

E. Hostages(s) Released Date: _____
Released by: Terrorist Other
Number of Hostages: _____

I. Disruption/Dismantlement: ✓

Disruption Date: _____
Dismantlement Date: _____
Completion of FD-515a Side 2 Mandatory

O. Child Victim Information

Child located / identified Date: _____

Living Deceased

P. Subject Information - Required for all blocks excluding block D (Recovery/PELP), blocks E, I, L and N

Name	Race*	Sex	Date of Birth	Social Security No. (if available)
<input type="text"/>	<u>W</u>	<u>m</u>	<input type="text"/>	<input type="text"/>

For Indictments/Convictions only:

Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.

Subject related to an OC/Drug organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

* Additional information may be added by attaching another form or a plain sheet of paper for additional entries.

• See codes on reverse side.

✓ Requires that an explanation be attached and loaded into ISRAA for recovery over \$1 m and PELP over \$5 m, disruption, dismantlement, and drug seizures.

Serial No. of FD-515

b6
b7C

Query the NC Driver Issuance File (QDF)

PERSON DATA

Customer ID (OLN)
Name (NAM)
Date of Birth (DOB) Age (AGE) Race (RAC) W Sex (SEX) M
City (CTY) County (COU)
 IMG (FUTURE USE)

OTHER QUERY DATA

Issuance Only (No History) (ISS) Vehicle Registration (REG)
Attention (ATN) S Number of Pages (PAG)

b6
b7C

89A-CF94557-6

Page: 1

b6
b7C

No Record at CJIS
2/11/09 DLW

QUERY STATE REGISTRATION (QSR)

LICENSE PLATE DATA

License Plate (LIC) Plate Year (LY) All ...

VEHICLE DATA

Vehicle ID Number (VIN) Year of Manufacture (VYR) Make (VMA) ... Vehicle Style (VST) ...

OTHER QUERY DATA

Name (NAM) Date of Birth (DOB) Business Query (BUS)
City (CIT) County (COU)
Customer ID (OLN) Number of Pages (PAG)
Driver's History Inquiry (HIS) Driver Issuance or Issuance Only (ISS)
Title Number (TLE) Handicap Placard Number (HCP)
Lien Information (LEN)
Attention of Recipient (ATN)

b6
b7c

III INQUIRY TRANSACTION (QH)

AGENCY/CASE DATA

Originating Agency Code (O) NCFBIAV00 Purpose Code (PUR) C

Attention (ATN) SA Attention (A...) Operator (OPR) DLW

PERSON DATA

Name (NAME) Sex (SEX) M

Race (RAC) Date of Birth (D...)

Social Security Number (SSN) FBI Number (F...)

State Identification Number (SIN) Miscellaneous Number (MIS)

TEST INDICATOR

Test Indicator N

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III INQUIRY TRANSACTION (QR)

AGENCY/CASE DATA

Originating Agency Code (O): NCFBIAV00 Purpose Code (PUR): C

Attention (ATN): SA Attention (AT2):

Operator (OPR): DLW

PERSON DATA

Name (NAM): FBI Number (FBI):

State Identification Number (S):

TEST INDICATOR

Test Indicator: N

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QUERY AOC FOR CRIMINAL DEFENDANT NAME (QACD)

PERSON DATA

Name (NAM): Depth:
Sex (SEX): M Race (RAC): W
Date of Birth (DOB): For Age (AGE): Year Range:

AGENCY/CASE DATA

Attention:
Case Year(s): thru Case Status:
Court/County/Level(s): /
Archive:
Charged Offense Type: / /
Convicted Offense Type: / /

OFFENSE STATUS

Called and Fail.: Order of Arrest: Probation Violation:
Unserved: Dismissed with Leave: Failure to Comply:

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2/10/2009 7:01:35 PM

VZLC PL

Verizon Security

Page 3

Page 1 of 1

VERIZON LEGAL COMPLIANCE
P O BOX 1001
6TH FLOOR NORTH
SAN ANGELO, TX 76902 - 1001
888-483-2600

February 10, 2009

Reading the Special Computer Search report:

Orig # Term # Call Date Connect Time Call Duration Time Source Call Type

Orig # - Originating number is the telephone number where the call was originated from. The originating (number) party "dialed" the terminating number being called. If the originating number is blank, the number is unobtainable; the switch the call was processed through may not have been compatible. If retrievable a carrier code will be displayed. The carrier should be contacted to possibly identify the originating number.

Term # - The terminating number is the location where the call was answered. All zeros (000-000-0000) may be displayed. This occurs for different reasons; i.e.: if an operator was dialed, a number not completely dialed and or a specific feature was used before dialing.

Call Date - is the date the call was made.

Connect Time - is the time the call was initiated.

Duration - is the duration of the call.

Time Source -T or O

T- indicates the call was retrieved via the terminating switch. The time zone of this call would be associated with the terminating npa/nxx (npa = area code, nxx = first 3 digits of telephone number).

O - indicates the call was retrieved via the originating switch. The time zone of this call would be associated with the originating npa/nxx.

Call Type - Details the type of call carried by Verizon. Calls not carried by Verizon will display the company code for the company that carried the call. Data for calls carried by other carriers should be confirmed with that carrier. Please see the below explanation for Cellular calls.

-- Cellular calls to landline numbers, if available, may display the first 6 digits of the number for the cellular provider. The last 4 digits may display as 2222, 1111 or 0000. Telephone numbers (on the printout) ending with 2222, 1111 or 0000 involving cellular numbers are usually the hub site default number for the cellular company. The particular cellular company would have to be contacted to obtain information for the actual cellular subscriber.

-- Cellular calls to landline numbers that display the area code for the cellular number as 999 are not valid numbers. No part of the number is valid. This is due to the cellular provider not transmitting the calling party's number. There is no record of which cellular provider carried the call.

The following calls may or may not appear:

- Calls such as operator-assisted, calling card, and collect calls may or may not appear based upon switch capabilities.
- Local calls will not always be detailed. If the call originates from a measured service it should be retrievable. If a call originates from a flat rate service, it may not be retrieved.
- 911 calls usually will not appear on Special Computer Searches.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 02/09/2009

To: Charlotte

Attn: Asheville RA

SA [redacted]

From: Washington Field

Violent Crimes Squad CDR-2

Contact: TFO SA [redacted]

Approved By: [redacted]

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Drafted By: [redacted] dal

Case ID #: 89A-WF-C238250 (Pending) - 7

Title: THREATS AGAINST MEMBERS OF CONGRESS

Synopsis: Request case be opened and assigned by Asheville RA regarding threat against Congressman Shuler.

Details: On February 5, 2009 at approximately 1745 hours, an unknown male subject left a threatening voice mail message at the Asheville, NC office of Congressman Shuler. The subject stated: "I voted for you. If you don't vote for the stimulus package, I'm gonna kill you. Simple as that." The office's voice mail system did not capture the subject's telephone number, nor did the subject identify himself.

On February 6, 2009, the Congressman's Asheville office notified SA [redacted] U.S. Capitol Police Threat Assessment Section, who then notified TFO SA [redacted] of the Washington Field Office CR-2 Violent Crimes Task Force.

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89A-CE 94597-12

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JULY 2000

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To: Charlotte From: Washington Field
Re: 89A-WF-C238250, 02/09/2009

LEAD(s):

Set Lead 1: (Action)

CHARLOTTE

AT ASHEVILLE, NC

It is requested that a case be initiated and a logical line of investigation conducted regarding the threat against Congressman Shuler. Please advise Washington Field at earliest date as to legitimacy of threat so that Washington Field may coordinate with U.S. Capitol Police.

DL090402.WPD

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2009

To: Charlotte

From: Charlotte

Asheville RA/Victim Assistance Program
Contact: [redacted]

Approved By: [redacted]

Drafted By: [redacted] mff

Case ID #: ✓ 89A-CE-94597 (Pending) / 13
188B-CE-C92174-C (Pending) 103VICTIM NOT BONG
NOTIFIED ; ENTERED
FOR VNS ONLY

Title: VICTIM NOTIFICATION FORM

Synopsis: Heath Shuler-victim

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Reference: 89A-CE-94597 Serial 1

Details:

VnsCase#: 89A-CE-94597

CAgtName: [redacted]

PContact: Person

BusName :

BusEIN :

BusAcct :

VicFirN : Heath

VicMidN :

VicLastN: Schuler

SSAN :

VicDate : 20090103

VicDOD :

VicMinor: N

DOB :

Race :

Sex : M

Addr :

Addr2 :

City : Asheville

State : NC

Country : US

Zip :

Email :

HPhone :

Fax :

✓ 89A-CE-94597-13
A

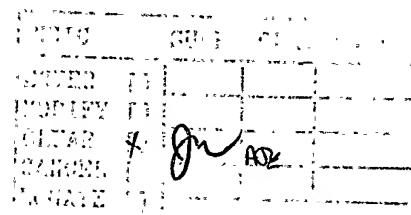
To: Charlotte From: Charlotte
Re: 89A-CE-94597, 03/20/2009

VWrkAddr:
VWrkaddr2:
VWrkCity:
VWrkSt :
VWrkCtry:
VWrkZip :
WEmail :
WPhone :
WFax :
VicPager:
NOKFirN :
NOKMidN :
NOKLastN:
NOKRel :
NOKAddr :
NOKAddr2:
NOKCity :
NOKState:
NOKCtry :
NOKZip :
NOKHEmal:
NOKWEmal:
NOKHPho :
NOKWPho :
NOKHFax :
NOKWFax :
NOKPager:
GrdFirN :
GrdMidN :
GrdLastN:
GrdRel :
GrdAddr :
GrdAddr2:
GrdCity :
GrdState:
GrdCtry :
GrdZip :
GrdHEmal:
GrdWEmal:
GrdHPho :
GrdWPho :
GrdHFax :
GrdWFax :
GrdPager:
PropRet : N
TotLoss : 000000000
Lang. : EN
Disable :

PERSON CLEAR TRANSACTION (CW)

AGENCY/CASE DATA			
Originating Agency Code (ORI)	NCFBICE00		
Date of Clear (DCL)	02132009	Recovering Agency Identifier (RRI)	[redacted]
Recovering Case Number (RCA)	[redacted]		
Reason for Record Removal (RPS)	[redacted]	Date (RPS)	[redacted]
Person Armed (PAR)	[redacted]	Hit Results (HIT)	[redacted]
Value of Recovered Property (VNP)	[redacted]	Value of Other Property Recovered (VOR)	[redacted]
Value of Recovered Contraband (VRC)	[redacted]	Number of Persons Apprehended (NPA)	[redacted]
Number of Missing Persons Found (NPF)	[redacted]		
RECORD IDENTIFYING DATA			
NCIC Number (NIC)	[redacted]		
Agency Case Number (OCA)	[redacted]		
Name (NAM)	[redacted]		
TEST INDICATOR			
Test Indicator	N	[redacted]	

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2/13/09 0205925324

Page: 1

89A-C E-94597-14

PERSON INQUIRY TRANSACTION (QW)

AGENCY/CASE DATA

Originating Agency Code (ORI)	NCFBICE00	NCIC Number (NIC)	W205925324
Agency Case Number (OCA)	<input type="text"/>		
Related Search Hit (RSH)	<input type="text"/>		

PERSON DATA

Name (NAM)	<input type="text"/>				
Expanded Name Search (ENS)	<input type="checkbox"/>	Sex (SEX)	<input type="checkbox"/>	Race (RAC)	<input type="checkbox"/>
Date of Birth (DOB)	<input type="text"/>			Extended Date of Birth Search ...	
Social Security Numbe...	<input type="text"/>			Miscellaneous Number (...)	<input type="text"/>
FBI Number (FBI)	<input type="text"/>			License Number (O...)	

VEHICLE DATA

Vehicle ID Number (VIN)	<input type="text"/>		
Make (VMA)	<input type="text"/>		

LICENSE PLATE DATA

License Plate (LIC)	<input type="text"/>			State (LIS)	<input type="text"/>
---------------------	----------------------	--	--	-------------	----------------------

IMAGE DATA

Image Indicator (IND)	<input checked="" type="checkbox"/> Y				
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TEST INDICATOR

Test Indicator	<input type="checkbox"/> N				
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NCIC	SUPR. OPR. AGENT		
ENTER	[<input type="checkbox"/>]		
MODIFY	[<input type="checkbox"/>]		
CLEAR	[<input type="checkbox"/>]		
CANCEL	[<input type="checkbox"/>]		
LOGATE	[<input type="checkbox"/>]		
DATE		NCIC #	

[REDACTED] (FBI)

From: [REDACTED] (FBI)
Sent: Friday, February 13, 2009 11:51 AM
To: [REDACTED] (FBI)
Cc: [REDACTED] (FBI)
Subject: Removal of Subject from NCIC

UNCLASSIFIED
NON-RECORD

Per request of SA [REDACTED] please remove the following subject from NCIC:

[REDACTED]
W/M

Date of birth [REDACTED]

NIC# [REDACTED]

Subject is in custody of US Marshal's

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(initials)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/16/2009

[redacted] P.a.k.a. as [redacted] born [redacted]
 [redacted] Social Security Account Number [redacted] of [redacted]
 [redacted] telephone [redacted] was
 interviewed at his residence. Present for the interview was [redacted]
 wife [redacted]. After being advised of the identity of the [redacted] b6
 interviewing Agents, [redacted] provided the following information: b7C

Contact was made with [redacted] as he returned to his residence in a vehicle. He allowed the Agents to follow him home and he was approached outside his vehicle. He was asked if he knew what the interviewing Agents were seeking to talk to him about and he stated because he had called HEATH SHULER. He was asked to talk about the call and he stated "I said I was gonna kill him." He made this statement without emotion and did not elaborate so he was asked if he still wanted to kill the Congressman. He stated "I didn't mean it." Again, after a long pause he stated without emotion "it was a joke." He then volunteered that he did not have a gun.

[redacted] invited the interviewing Agents into his residence. [redacted] stated that [redacted] was on medications and having problems with his memory. [redacted] provided prescription pill bottles to the Agents regarding his medication. The first medication, Quetiapine Fumarate 50mg, replaced a prescription that he had taken until the preceding Friday, however they could not recall the name of the prior medication. [redacted] was also taking Aricept 10mg, and another pill from an unlabelled bottle.

When asked when he made the call to SHULER, [redacted] advised it had been one evening the previous week, however he could not remember the exact date. He stated he was watching CNN and saw a piece about the stimulus package and he did not like what he saw.

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[redacted] stated that he had the telephone number for the Congressman because he had called before to obtain the Congressman's assistance with a problem he was having with the VA Hospital.

S/DRAFTS [redacted] 075 cn102302.wpd [redacted] *Cm*

Investigation on 02/11/2009 at Whittier, North Carolina

File # 89A-CE-94597-15 Date dictated Not Dictated
 by SA [redacted] cml
TFO [redacted]

J

89A-CE-94597

Continuation of FD-302 of [redacted]

, On 02/11/2009 , Page 2

From his Rolodex, [redacted] produced a card containing the following information:

Congressman Heath Shuler
356 Biltmore Avenue
Suite 400
Asheville, NC 28739

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[redacted] stated he called the office multiple times that evening, however he only left two messages, about five minutes apart from each other.

[redacted] recalled that on his first call he said "Heath, if you vote on that bill I'm gonna kill your ass." He recalled that on his second message he stated "This is [redacted]. You dated my daughter and went to school with her. Please don't vote on that bill." When asked if he had threatened SHULER on the second call,

[redacted] stated he had not made any threats. When asked again why he would make the calls and threaten a Congressman, [redacted] replied that he was "just blowing off steam." He was asked what he thought Congressman SHULER would think upon hearing the messages and [redacted] stated that he did not know what SHULER would think. He then offered that "I was trying to work the political scene." He was asked what he would think if someone left him a message saying they would kill him, and he immediately stated that he would be "upset." When asked if he would be scared and worried by it he stated "yeah."

[redacted] wife, [redacted] was present for the interview and volunteered the following information during the interview:

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During the last three months, she has noticed a drastic change in her husband's mental health. He has become violent and [redacted]

[redacted] and that she had also petitioned for an Emergency Custody Order to obtain mental health services for her husband, however he was subsequently released.

For her safety, she had left for three weeks and had just returned home on Friday, February 6, 2009. On that date she took him to the VA Hospital to see a mental health doctor who prescribed a new medication. [redacted] told the doctor that he was hearing voices, and this was the first time his wife had heard that

89A-CE-94597

Continuation of FD-302 of [redacted]

, On 02/11/2009, Page 3

symptom. She stated that the medication seemed to help, but that he had refused to take it the night before (on February 10, 2009) and she had noticed a significant decrease in his mental stability. She had given family members all of the firearms in the residence that she was aware of, but she could not be sure she had all of the weapons. [redacted]
[redacted]

The interview concluded with [redacted] being asked if he was sorry for what he had done and he stated "No, the bill was bad." He was then asked again, specifically if he was sorry that he had threatened to kill a United States Congressman and he again stated "No" however after a pause he stated "well, yeah."

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UNCLASSIFIED



FEDERAL BUREAU OF INVESTIGATION

Precedence: Routine

Date: 08/11/2009

To: Charlotte

From: Charlotte

Asheville RA

Contact: SA [redacted]

Approved By: [redacted] 

Drafted By: [redacted] cml 

Case ID #: 89A-CE-94597 (Pending) — 16

Title: [redacted]

CONGRESSMAN HEATH SHULER - VICTIM;
THREATS AGAINST MEMBERS OF CONGRESS

Synopsis: Update file.

Details: On 08/11/2009, authoring Agent contacted AUSA [redacted] and confirmed that the above captioned subject is still being evaluated for mental competency by the BOP. No hearings are scheduled at this time, but are expected in the next few months.

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S [redacted] 223cm101.ec.wpd

[redacted] 

(P)
cn

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

2:09mj7

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
JOHN JACKSON ADAMS.)	
)	
)	

THIS MATTER is before the court on defendant's Motion for Hearing.
Having considered defendant's motion and reviewed the pleadings, the court enters
the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Hearing (#15)
is **GRANTED**, the hearing is **CALENDARED** for January 12, 2010, at 2 p.m., and
the Clerk of this court is respectfully instructed to set up such hearing as a video
conference, with the defendant remaining at Butner.

The Warden is respectfully instructed not to transport defendant to Asheville
for the hearing due to health concerns and is asked to make video conferencing
available at the facility at such date and time.

Signed: December 28, 2009

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge



-2-

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN JACKSON ADAMS,

Defendant.

DOCKET NO. 2:09-MJ-7

**MOTION FOR HEARING
PURSUANT TO 18 U.S.C. § 4246.**

Defendant, John Jackson Adams, by and through undersigned counsel, moves this honorable court to schedule a hearing pursuant to 18 U.S.C. § 4246 (a). In support of this motion, Defendant states the following:

1. Mr. Adams made his initial appearance on February 13, 2009 ,and undersigned counsel was appointed to represent him. At this hearing, the court ordered a competency evaluation, and Mr. Adams was sent to FMC Butner for the evaluation.

2. On May 12, 2009, Mr. Adams appeared via video conference for a competency hearing per agreement by the parties because of his physical health. He was determined to be incompetent and was ordered to remain at FMC Butner for restoration of competency.

3. On September 29, 2009, the second competency hearing was held, and Mr. Adams was deemed to not be restorable to competency. He was sent back to FMC Butner to be evaluated for substantial risk of bodily injury to another person or serious damage to property of another, pursuant to 18 U.S.C. § 4246.

4. FMC Butner just published and released its report on the substantial risk issue. The parties have been in discussion on how to resolve this case. So far, no agreement has been

reached. It is undersigned counsel's understanding that the government has been attempting to acquire information from the victim as to disposition but have been hindered by a prohibition from contacting elected officials.

5. Mr. Adams' evaluators have indicated to undersigned counsel that Mr. Adams wants to be released and undersigned counsel has contacted family members about housing options. Because of his physical health, undersigned counsel is requesting that any hearing be held by video conference so that Mr. Adams is not moved from FMC Butner. The medical team at Butner supports this request. The government has no objection to the video conference. Undersigned counsel would like to be present with Mr. Adams' at the prison when the hearing is held.

6. Because the government is still trying to get word to Congressman Heath Shuler, Mr. Adams' counsel asks that this hearing be held on or after January 7, 2010 to allow the Assistant U.S. Attorney adequate time to get in touch with the victim and for undersigned counsel to make arrangements for travel and admission to FMC Butner.

7. The relevant section of the Federal Criminal Code and Rules, Chapter 313, does not mandate a specific deadline for a 4246 hearing.

8. Counsel will be out of the office from December 28-30, 2009 and from January 4-6, 2010.

9. If the parties are able to arrive at a disposition that will obviate the need for a 4246 hearing, they will notify the court.

WHEREFORE, this Honorable Court is respectfully requested to schedule a 4246 hearing via video conference on or after January 7, 2010.

Dated: December 23, 2009

Respectfully Submitted,

s/ Fredilyn Sison
NC Bar 38732
Asst. Federal Defender
Attorney for Defendant
Federal Defenders for the Western District of NC
1 Page Avenue, Suite 210
Asheville, NC 28801
(828) 232-9992
Fax (828) 232-5575
E-Mail: Fredilyn_Sison@fd.org

CERTIFICATE OF SERVICE

I, Fredilyn Sison, an employee with the Federal Defenders for the Western District of North Carolina, hereby certify that a true and correct copy of the above and foregoing **MOTION FOR HEARING PURSUANT TO 18 U.S.C. § 4246** was duly served upon Don Gast, Asst. U.S. Attorney, by e-mail to Don.Gast@usdoj.gov and by electronic filing, this 23rd day of December, 2009.

s/ Fredilyn Sison
E-Mail: Fredilyn_Sison@fd.org

2:09-mj-00007-DLH USA v. Adams
Date filed: 02/12/2009
Date of last filing: 12/29/2009

History

Doc. No.	Dates	Description
	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	③ Add and Terminate Attorneys
	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	③ Arrest
<u>1</u>	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	③ Complaint
<u>2</u>	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	③ Warrant Issued
	<i>Filed & Entered:</i> 02/13/2009	③ Initial Appearance
	<i>Filed & Entered:</i> 02/13/2009	③ Oral or Text-Only Order
	<i>Filed & Entered:</i> 02/13/2009	③ Oral Order Appointing Counsel
	<i>Filed & Entered:</i> 02/13/2009	③ Add and Terminate Attorneys
<u>3</u>	<i>Filed & Entered:</i> 02/13/2009	③ Financial Affidavit - CJA23
<u>5</u>	<i>Filed:</i> 02/13/2009 <i>Entered:</i> 02/18/2009	③ Redacted Document
<u>4</u>	<i>Filed & Entered:</i> 02/17/2009 <i>Terminated:</i> 02/18/2009	③ Motion for Psychiatric Exam
<u>6</u>	<i>Filed & Entered:</i> 02/18/2009	③ Order - Written Order Following Oral Order on Motion
<u>7</u>	<i>Filed & Entered:</i> 03/19/2009	③ Order
	<i>Filed & Entered:</i> 05/08/2009	③ Notice of Hearing
<u>8</u>	<i>Filed & Entered:</i> 05/11/2009	③ Psychiatric Report
	<i>Filed & Entered:</i> 05/12/2009	③ Competency Hearing
<u>9</u>	<i>Filed & Entered:</i> 05/13/2009	③ Sealed Order
<u>10</u>	<i>Filed:</i> 05/18/2009 <i>Entered:</i> 05/19/2009	③ Warrant Returned Executed
<u>11</u>	<i>Filed & Entered:</i> 07/23/2009	③ Notice of Attorney Appearance - USA
	<i>Filed & Entered:</i> 09/24/2009	③ Notice of Hearing
<u>12</u>	<i>Filed & Entered:</i> 09/24/2009	③ Psychiatric Report
	<i>Filed & Entered:</i> 09/29/2009	③ Competency Hearing
	<i>Filed & Entered:</i> 09/29/2009	③ Status Conference
	<i>Filed & Entered:</i> 09/29/2009	③ Oral or Text-Only Order
<u>13</u>	<i>Filed & Entered:</i> 10/05/2009	③ Sealed Order
	<i>Filed & Entered:</i> 12/11/2009	③ Add and Terminate Attorneys

<u>14</u>	<i>Filed & Entered:</i> 12/11/2009	<input checked="" type="checkbox"/> Psychiatric Report
<u>15</u>	<i>Filed & Entered:</i> 12/23/2009 <i>Terminated:</i> 12/29/2009	<input checked="" type="checkbox"/> Motion for Hearing
	<i>Filed & Entered:</i> 12/29/2009	<input checked="" type="checkbox"/> Notice of Hearing
<u>16</u>	<i>Filed & Entered:</i> 12/29/2009	<input checked="" type="checkbox"/> Order on Motion for Hearing

PACER Service Center			
Transaction Receipt			
12/31/2009 13:42:47			
PACER Login:	df1246	Client Code:	
Description:	History/Documents	Search Criteria:	2:09-mj-00007-DLH
Billable Pages:	1	Cost:	0.08

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/15/2010

To: Charlotte

From: Charlotte
Asheville RA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted] cml *an*

Case ID #: 89A-CE-94597 (Closed) - 18

Title: [redacted]

CONGRESSMAN HEATH SHULER - VICTIM;
THREATS AGAINST MEMBERS OF CONGRESS

Synopsis: Close investigation.

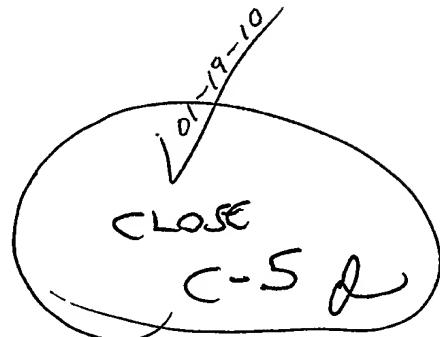
b6
b7C

Details: [redacted] over the past 10 months, was detained in FCI Butner to determine his competency to stand trial. He was found to be incompetent to stand trial, unable to regain competency, and finally determined not to be a danger to himself or others. As a result of these three findings, the law requires [redacted] to be released and the matter dismissed. During the week of January 4, 2010, the above captioned matter was dismissed as required by law. AUSA [redacted] notified the victim in this matter.

It is requested that the case status be changed to reflect the matter as closed.

♦♦

UNCLASSIFIED



S [redacted] 1015cr103.cc *[initials]*

[redacted]

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 85

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